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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,650	09/10/2003	Steven P. Hergott	P06667US0-169G	1820
34082	7590	12/27/2004	EXAMINER	
ZARLEY LAW FIRM P.L.C. CAPITAL SQUARE 400 LOCUST, SUITE 200 DES MOINES, IA 50309-2350			PRICE, RICHARD THOMAS JR	
		ART UNIT	PAPER NUMBER	
		3643		

DATE MAILED: 12/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Misiewicz et al. U.S. Patent 6,638,154.

Misiewicz et al teach a thrust collar for encasing natural casings, and method of use thereof.

In regards to claim 1, as seen in Figure 2, the method includes the steps of (1) placing a hollow natural casing 22 on the outside surface of a hollow stuffing tube 16 having a meat emulsion discharge end 16A, (2) placing a follower 24 against an upstream end of the natural casing 22 to slide the natural casing 22 forwardly along the stuffing tube 16 towards a discharge end 16A and (3) placing a hollow conical shaped restrictor 20 on the stuffing tube 16 with a smaller diameter end (unnumbered) adjacent the discharge end 16A of the stuffing tube 16 to decrease the diameter of the natural casing as it is being slidably moved towards the discharge end 16A of the tube 16.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Townsend U.S. Patent 4,670,942.

Townsent teach a machine for stuffing natural casings with emulsion which is structurally similar to the Applicant's claimed machine. More specifically, the apparatus includes a hollow meat stuffing tube 18 having a first end and a discharge end for extruding emulsion into a natural casing on an outer surface of the stuffing tube 18. A follower 18A is slidably mounted on the stuffing tube 18 adjacent an end of the natural casing nearest the first end of the stuffing tube. A longitudinally moveable shaft (unnumbered) that is parallel to the stuffing tube and connected to the follower 18A and drives the follower longitudinally about the stuffing tube 18.

Response to Arguments

With regard to the arguments directed to claim 1, the reference to Misiewcz et al clearly teach a hollow conical shaped restrictor on the stuffing tube. Although the Applicant's argues that the conical shaped restrictor "is mounted separate and apart from pipe 18", Misiewcz et al clearly teach this separate connection. However, the Examiner notes that the Applicant's drawings clearly show a restrictor "mounted separate and apart from the stuffing tube". As for claim 2, the reference to Townsend clearly teaches a follower slidably mounted on the stuffing tube adjacent an end of the natural casing nearest the first end of the stuffing tube.

Conclusion

Summary: Claims 1 and 2 are rejected.

Prior Art of Record

The cited prior art of record teaches various types and shapes of hollow restrictors which are attached outside the casing or within the casing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Price whose telephone number is 703-308-2694. The examiner can normally be reached on Monday through Friday from 8:30a.m. to 5:00p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on 703-308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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rtp